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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,364	02/02/2001	Mark J. Krafft	MICT-0134-US	8094

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EXAMINER

WEST, JEFFREY R

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/776,364	KRAFFERT, MARK J.	
	<b>Examin r</b>	<b>Art Unit</b>	
	Jeffrey R. West	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 May 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawing in Figure 4 is objected to as failing to comply with 37 CFR 1.84(p)(5) because it includes the following reference sign(s) not mentioned in the description: "318" and "324". It is suggested that these reference signs be added to the corresponding description on page 5, lines 26-27, and page 6, line 4, respectively. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because on page 3, line 31, the "protocol layers" are incorrectly labeled "14" instead of "114" as they are labeled on page 3, line 30 and in Figure 2.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20, 22-24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,857,192 to Fitting in view of U.S. Patent Application Publication No. 2002/0023175 to Karlak.

Fitting discloses a quality control system of a manufacturing system comprising a plurality of test systems, each test system including a controller that configures the test equipment according to one of a plurality of routines so that the test systems are able to execute a plurality of different tests (column 5, lines 15-23). Fitting discloses that the test systems send a request, through a communication interface employing an Ethernet network (column 3, lines 4-10), to a storage database, containing a plurality of files, for retrieval of a test file to be used by the test controller, which is part of a test module (Figure 1) executed in performing the corresponding test (column 5, lines 15-19). Fitting discloses that the test system provides first and second parameters, the first parameter being a predetermined string value and the second parameter being a value indicating the data type of the requested file, to a test controller that performs a routine combining the two parameters to form a filename which is sent to the database (column 4, lines 20-39). Fitting then discloses searching the database for a test filename containing the string value and a value corresponding to the second file-type parameter (column 4, lines 53-64).

As noted above, Fitting teaches many features of the claimed invention. Fitting however, teaches automatic execution by the routine using parameters supplied by the test system and does not teach receiving the plurality of parameters by

prompting the user. Fitting also teaches that the second parameter indicates a file type, not the name of the database on which to perform the test.

Karlak teaches a method an apparatus for efficient, orderly distributed processing over a system of computers that access and execute one or more applications shared in a single queue (0017) wherein access to the application is provided by user-inputted parameters (0038, 0041, 0045, 0046). Karlak also teaches that these inputted parameters comprise a descriptive name of the operation being executed and the database on which the program is executed (0051).

It would have been obvious to one having ordinary skill in the art to modify the invention of Fitting to include receiving the plurality of parameters by prompting the user and specifying that the second parameter indicate a database on which to perform the test, as taught by Karlak, because, as suggested by Karlak, the combination would have provided a method for executing program files conveniently organized by type, in a plurality of separate databases, rather than having all the file types in one database, and therefore provided better control to insure selection and execution of the proper file/program (0059-0061) and allowed the user to control whether or not to use the same inputs for a plurality of executions or to include different inputs for each execution (0045).

Fitting describes the entire process of the invention according to the execution of one test system, and therefore does not specifically disclose performing different tests with the different systems using the associated file, however, since Fitting does disclose the invention for sharing files between a plurality of test systems, each able

to execute a plurality of different tests (column 5, lines 15-23), Fitting does suggest the execution of different tests, by different test systems, using the same shared file directory and therefore the same aforementioned process would be carried out using each of the subsequent test systems.

Further, it is noted that the file name retrieved by searching the database, in the invention of Fitting, contains the first parameter string and contains a value in accordance with the second parameter. This method is considered to be functionally equivalent to retrieving a file name containing both the first and second parameters because the second parameter is specific to only one type of data and therefore although the second parameter isn't the name of the database, or the name of the file type, it clearly identifies name of the database or file type.

Finally, although Fitting doesn't specifically disclose that the controller contain a storage medium with instructions executed on it, since the controller of Fitting does execute a plurality of steps to combine the two parameters into a filename, it is considered inherent that the controller must contain some type of program instructing the execution of the combining routine.

5. Claims 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitting in view of Karlak and further in view of U.S. Patent No. 5,848,410 to Walls et al.

As noted above, the invention of Fitting and Karlak teaches many of the features of the claimed invention including forming a filename based on inputs from a test

module or a user, but does not teach including a default name if a value is not received from the test module or user.

Walls teaches a system and method for comprehensively and continuously indexing information stored in one or more sources of information such as a database (column 3, lines 48-50) comprising a file-system identifier that identifies the file system from which an index will be built and analyzes the files of the selected file system to determine information can be extracted from the files (column 11, lines 21-29). Wall also teaches that if a user does not select a file system name when prompted, the file-system definer, part of the file system identifier, provides a default file system name (column 11, lines 50-52).

It would have been obvious to one having ordinary skill in the art to modify the invention of Fitting and Karlak to include using a default name if a value is not received from the test module or user, as taught by Walls, because the combination would have prevented an interruption in the process if the user fails to respond and, as suggested by Walls, allowed the process to continue by using a value most recently or most frequently selected by the user and therefore using a value that would have been most likely to have been selected by the user if the user were present (column 11, lines 50-55).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 5,991,772 to Doherty et al. teaches a method and apparatus for restoring a portion of a database by searching for filenames that include the name of the data files and the name of the file holding the data dictionary for these files.

U.S. Patent No. 6,119,133 to Nusbickel et al. teaches an extensible method and apparatus for retrieving files having unique record identifiers as file names.

U.S. Patent No. 5,392,209 to Eason et al. teaches a method and apparatus for providing a data interface between a plurality of test information sources and a database.

U.S. Patent No. 5,317,728 to Tevis et al. teaches storage management of a first file system using a second file system containing surrogate files and catalog management information.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (703)308-1309. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703)308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Art Unit: 2857

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

jrw  
September 8, 2002



MARC S. HOFF

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800